

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE CORTES,
and
CLAUDIA LOAIZA,

Defendants.

Criminal Action No.
08-00206-01/02-CR-W-SOW

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on February 3, 2010. Defendant Jose Cortes appeared in person and with appointed counsel Christopher Angles. Defendant Claudia Loaiza appeared in person and with appointed counsel P.J. O'Connor. The United States of America appeared by Assistant United States Attorney Justin Davids.

I. BACKGROUND

On August 5, 2008, an indictment was returned charging both defendants with conspiracy to possess with intent to distribute methamphetamine, in violation of 21 U.S.C. § 846; possession with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B); and criminal forfeiture, pursuant to 21 U.S.C. § 853. In addition, defendant Cortes is charged with one count of unlawfully entering the United States after having been deported, in violation of 8 U.S.C. § 1326 .

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Davids announced that he and Mr. Gregg Coonrod will be the trial counsel for the government. The case agent to be seated at counsel table is Detective Dennis Paquette, Kansas City, Missouri, Police Department.

Mr. Angles announced that he will be the trial counsel for defendant Jose Cortes.

Mr. O'Connor announced that he will be the trial counsel for defendant Claudia Loaiza.

III. OUTSTANDING MOTIONS

There are is currently pending for ruling by me a motion to redact statement or alternatively to sever, filed by defendant Cortes on February 1, 2010 (document number 64).

IV. TRIAL WITNESSES

Mr. Davids announced that the government intends to call 34 witnesses without stipulations or 14 witnesses with stipulations during the trial.

Mr. Angles announced that defendant Jose Cortes intends to call 2 witnesses during the trial. The defendant may testify.

Mr. O'Connor announced that defendant Claudia Loaiza intends to call 2 witnesses during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Mr. Davids announced that the government will offer approximately 45 exhibits in evidence during the trial.

Mr. Angles announced that defendant Jose Cortes will offer approximately 27 exhibits in evidence during the trial.

Mr. O'Connor announced that defendant Claudia Loaiza will offer approximately 3 exhibits in evidence during the trial.

VI. DEFENSES

Mr. Angles announced that defendant Jose Cortes will rely on the defense of general denial.

Mr. O'Connor announced that defendant Claudia Loaiza will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Angles stated this case is definitely for trial.

Mr. O'Connor stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations have be signed as to chain of custody.

IX. TRIAL TIME

Counsel were in agreement that this case will take 3 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed November 4, 2008, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by or before February 3, 2010;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, February 10, 2010;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions¹ by or before noon, Wednesday, February 10, 2010. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated. A motion in limine has been filed on the Bruton issue regarding defendant Loaiza's statement. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendants were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on February 16, 2010. **A Spanish-speaking interpreter is required for defendant Cortes.**

/s/ Robert E. Larsen
ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
February 3, 2010

cc: Mr. Kevin Lyon

¹Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the trial letter, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by Friday, February 12, 2010. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. **The instructions shall be listed in the order they are to be given.**